

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JANICE SHORTER, PERSONAL REPRESENTATIVE AND LEGAL GUARDIAN FOR DONSHAY SAYLES, Plaintiff</b>	: : : : : : : : : : : :	<b>NO. 3:16-CV-01973</b>  <b>(Judge Mannion) (Magistrate Judge Arbuckle)</b>  <b><i>Electronically Filed</i></b>
<b>v.</b>		
<b>CHARLES E. SAMUELS, JR., ET AL. Defendants</b>	: :	

**PLAINTIFF'S UNOPPOSED MOTION TO EXTEND CASE  
MANAGEMENT DEADLINES *NUNC PRO TUNC***

NOW COMES Plaintiff, by and through undersigned counsel, who hereby respectfully moves the Court, *nunc pro tunc*, for an enlargement of time of the deadlines set forth in the Court's Scheduling Order dated December 15, 2021 (ECF No. 163) pursuant to Fed. R. Civ. P. 6(b). In support of this motion, Plaintiff represents the following:

1. Plaintiff Janice Shorter, the Legal Guardian for Donshay Sayles, filed this case on September 27, 2016 asserting tort claims under the Federal Tort Claims Act, 28 U.S.C. § 2671 *et seq.* (FTCA) and constitutional claims

pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), arising from a brutal attack on Donshay Sayles by another prisoner in the Special Housing Unit at USP Canaan which left Mr. Sayles in a vegetative state.

2. On March 22, 2017, Plaintiff filed an Amended Complaint.
3. The parties have engaged in extensive discovery and have sought and obtained the assistance of the Court in resolving numerous discovery disputes.
4. On December 15, 2021, after the resolution of many of the parties' discovery disputes, the Court entered a case management (ECF No. 163) order establishing the following deadlines:

Close of Fact Discovery:	<b>July 1, 2022</b>
Plaintiff's Expert Reports:	<b>September 1, 2022</b>
Defendant's Expert Reports:	<b>November 1, 2022</b>
Supplementations Due:	<b>December 1, 2022</b>
Close of Expert Discovery:	<b>February 1, 2023</b>
Dispositive Motions With Supporting Briefs:	<b>March 1, 2023</b>

5. After obtaining and reviewing the documents produced over the course of discovery, Plaintiff began taking the depositions of Defendants and has completed seven of these.
6. Due to scheduling issues for both the remaining deponents and counsel for the parties, including the need to make arrangements for out-of-state depositions, Plaintiff has not yet completed the depositions of the remaining Defendants and witnesses (seven depositions in total), which are necessary for Plaintiff's case.
7. Counsel for the parties are in the process of scheduling these remaining depositions so that they will be completed in November 2022.
8. The parties anticipate that all other remaining fact discovery will be completed in December 2022.
9. Plaintiff therefore respectfully requests that this Court grant, *nunc pro tunc*, an extension of the current fact discovery deadline and all remaining case management deadlines for a period of **four months** from today's date.
10. Plaintiff proposes, for the Court's consideration the following revised schedule:

Close of Fact Discovery: **December 22, 2022**

Plaintiff's Expert Reports: **February 22, 2023**

Defendant's Expert Reports: **April 22, 2023**

Supplementations Due: **May 22, 2023**

Close of Expert Discovery: **July 22, 2023**

Dispositive Motions

With Supporting Briefs: **August 22, 2023**

Local Rule 16.3(b) Conference  
on or before: TBD By Trial Judge

Motions in Limine with  
Supporting Briefs Due: TBD by Trial Judge

Responses to Motions in  
Limine Due: TBD by Trial Judge

Proposed Jury Instructions  
Due: TBD by Trial Judge

Proposed Voir Dire Questions  
Due: TBD by Trial Judge

Pretrial Memoranda Due,  
L.R. 16.6: TBD by Trial Judge

Final Pretrial Conference: TBD by Trial Judge

Jury Selection & Trial: TBD by Trial Judge

11. Plaintiff submits that good cause exists for granting this motion, as the parties have diligently engaged in discovery but additional time is needed for discovery to be completed.

12. This motion is not intended to nor will it unnecessarily delay this litigation, but rather is intended to ensure that the discovery process is complete for all parties.

13. Counsel for the Defendants have stated that they do not object to this motion.

WHEREFORE, Plaintiff respectfully requests that the Court extend, *nunc pro tunc*, the fact discovery and all remaining case management deadlines by four months from today's date, as set forth in the attached proposed Order.

Respectfully submitted,

**JANICE SHORTER, PERSONAL  
REPRESENTATIVE AND LEGAL  
GUARDIAN FOR DONSHAY SAYLES**

By her attorneys,

/s/ Jennifer J. Tobin

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Date: August 23, 2022

Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I certify that on this date, a true and correct copy of the foregoing, along with any and all attachments, was electronically filed and is available for viewing and downloading from the Court's ECF system. In addition, a copy was served via the Court's ECF notification system on the following:

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Date: August 23, 2022

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